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**A RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO ENTER INTO A PROCUREMENT CONTRACT WITH FERGUSON ENTERPRISES, INC. TO SUPPLY PIPE AND FITTINGS IN ADVANCE FOR THE WYNOOSKI-RIVERFRONT UTILITIES PROJECT, IN THE AMOUNT OF \$310,230.25, AND A SECOND PROCUREMENT CONTRACT WITH ANOTHER VENDOR TO SUPPLY THE BUTTERFLY VALVES IN ADVANCE OF THE SAME UTILITY RELOCATION PROJECT**

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**RECITALS:**

1. The Oregon Department of Transportation (ODOT) is finalizing their design to complete Phase 1 of the Newberg-Dundee Bypass Project in the cities of Newberg and Dundee. Phase 1E of the bypass project is located between Waterfront Street to the west and Sandoz Road to the east in Newberg.
2. ODOT is requiring the city to resolve the Phase 1E utility conflicts created by the bypass project by June, 2014. To expedite the project to meet the aggressive construction schedule, material procurement for the utility relocation project was bid in advance of the construction contract.
3. The materials procurement bid was advertised in the Daily Journal of Commerce on January 8, 2014. The materials procurement includes the purchase of approximately 2,100 linear feet of ductile iron pipe and approximately 110 fittings, for waterlines diameters ranging from 6 to 24 inches. The materials procurement also includes 500 linear feet of 36 inch diameter sewer pipe.
4. One qualified bid was received from Ferguson Enterprises, Inc. on January 28, 2014. Ferguson's bid for Schedule A (pipe material) is \$178,287.48 and for Schedule B (fittings) is \$197,261.79 and the total is \$375,549.27. However, Ferguson's butterfly valves do not meet the ODOT "Buy America" requirements, and will be removed from the materials bid. The total bid award to Ferguson is for \$310,230.25 after removal of the cost of the non-conforming butterfly valves.
5. The city is soliciting three competitive quotes to procure the proposed butterfly valves from other vendors that meet the required ODOT "Buy America" requirements. The city will award a second procurement contract to the vendor that submits the lowest qualified bid for the purchase of the butterfly valves, which are estimated to be in the range of \$70,000.00 to \$120,000.00.
6. These two materials procurement contracts will be reassigned to the contractor that submits the lowest qualified bid when the Wynooski-Riverfront Utilities Project is advertised for construction in February, 2014.

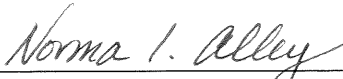
**THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

The City Council, acting as contract review board for the city, does hereby authorize the city manager pro tem to:


- (a) Enter into a contract with Ferguson Enterprises, Inc. for an amount of \$310,230.25; and
- (b) Negotiate or enter into a second contract with another vendor that submits the lowest qualified bid for the procurement of all butterfly valves for the project, at an estimated cost in the range of \$70,000.00 to \$120,000.00.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: February 19, 2014.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 18<sup>th</sup> day of February, 2014.

  
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Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 20<sup>th</sup> day of February, 2014.

  
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Bob Andrews, Mayor